

Appl. No. : 10/784,906
Filed : February 23, 2004

REMARKS

A. Introduction

The remarks herein are responsive to the Office Action dated June 5, 2006. Claims 11-18 stand rejected by the Examiner. Claims 11 and 13 - 18 are currently pending in this application. To expedite prosecution of the pending claims, Applicant has canceled Claim 12 without prejudice to pursuing it in a continuation application. Further, Applicant has amended Claims 11 and 16 - 18.

Also, Applicant's attorney thanks the Examiner for his time in conducting a telephone conference on July 25, 2006. During this conference, the amendments to the claims as reflected herein were discussed.

B. Amendment to the Claims

Claim 11 has been amended to incorporate the limitations of Claim 12. In Claims 16 - 18, the term "separator" was substituted with "stop mechanism" to more clearly define the separator as a stop mechanism. Claim 11 was also amended to recite, among other things, a manually operable stop mechanism. Support for this claim amendment can be found at least in paragraphs [27], [28] and [29], and in Figures 3 and 4 of the originally filed specification. Further, Claim 18 was amended to more clearly recite, among other things, that the stop mechanism is configured to selectively control the vacuum by reducing the inner diameter. Support for this claim amendment can be inferentially found at least in paragraphs [27], [28] and [29], and in Figures 3 and 4 of the originally filed specification. The claims as pending reflect patentable subject matter over U.S. Patent No. 2,115,298 to Brown and U.S. Patent No. 5,281,229 to Neward.

C. Claim Rejections Under 35 U.S.C. § 102

1. Brown teaches a snare wire 20 that is "a fine gauge metal wire" that the operator uses to "sever the tonsil, which is done by merely clinching the hand." See column 3, lines 6 - 52. Therefore, clinching the hand narrows the snare wire and not the inner diameter of the lumen. Thus, the Applicant respectfully submits that Brown fails to disclose, teach or suggest all the limitations of Claim 11, and thus, Claim 11 is allowable over the cited art.

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2 Neward teaches "a suitable hole 48" aligned with holes 28 and 50 "to allow the vacuum to communicate between the inside of the cup 10 and the hole through the stem 12." See Column 3, lines 35 - 39. Thus, the Applicant respectfully submits that Neward fails to disclose, teach or suggest all the limitations of Claim 11, and thus, Claim 11 is allowable over the cited art.

CONCLUSION

For the reasons presented above, Applicant respectfully submits that this application, as amended, is in condition for allowance. If there are any further hindrance to allowance of the pending claims, Applicant invites the Examiner to contact the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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